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not protract his consent longer than he can lay the proposal before her relations of the mother's side who are counted her mutual kinsmen and women, in which assembly the candidate's disposition and other qualities are discust. Neither the father nor any of the woman's father's family is ever consulted in the marriage of his children, as he and they are not of the same family, since the primogenitureship of all families descends from the mother. . . . When the uncle or relation has informed the rest of his kindred or clansmen of the proposal of marriage and by whom made, and [has indicated] that he approves the proposed match the rest of the family seldom refuse their assent; there is no fuss made of fortune, position, or chattels on either side. After such consultation, if the suitor should visit their dwelling before they do him, he is informed of the family acquiescence, and the bridal bed being publicly made for the pair, there is a conclusion of the courtship and marriage. After the consummation of the marriage and he finds her in clothes, should she be the first wife formally married to him and passes the *Boss ke tah* with him she is received as his actual wife by his kinsfolks and all others. After the solemnization of the new corn feast passes over them she is bound to him in the conception of his family during life or his pleasure. . . . As polygamy is only admitted among the men by the wife's consent, they use a great deal of craft to obtain it, in order to keep clear of the crime of adultery. All his later wives have to stay at their homes unless his wife should conclude with herself to let one stay with her in the house and do all the drudgery of the place as a waiting maid. By his wife's consent he can take as many wives or concubines as he chooses to maintain, but should his wife disapprove of his having a concubine and he obtain one against her will his wife's relations or clanspeople have it in their power to beat him and his concubine or second wife with sticks and cut off both their ears, after which he is separated from his wife and he has to retain the one beaten on his account. Nevertheless he has it in his power to keep his old wife single for four years or four *Booske tahs* unless she should elope with a man and elude the vigilance of his clan to the ensuing *Booske tah*. Then she is clear of punishment for her adultery, and ever after she is finally separated from him and the control of his clanswomen."[1]

The information on this subject which Hitchcock gathered from the Tukabahchee Indians contains some items not given by anyone else. He says:

"A young man wishing to marry a girl to whom he has taken a fancy goes to an aunt or some near female connection of his own and tells her his wishes. She then goes to the aunt or some near connection of the girl and makes it known. This connection of the

[1] Stiggins, Ms. Hist. Narr., pp. 21-22.

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traceable directly to false matings brought about by official action. In their youth a man and a woman might be passive victims of mismating but, as we have seen, in later years they became to a great extent masters and mistresses of their own inclinations which could then be satisfied. Another way in which this could be brought about was through the unofficial marriage, although this was often for no more lofty motive than the gratification of sexual passion. Still it was one of the safety valves which nature, outraged by unnatural official marriages, constructed for itself.

Regarding divorce in late times I was told that if a married couple did not get along well their relatives talked to them, and if they still kept pulling apart they finally let them separate.

Bossu says on this subject:

"A man among these peoples has the liberty of leaving his wife, but that seldom happens; if a woman is discovered committing adultery the least evil that can happen to her is to be repudiated. Then the husband abandons the cabin; if he has children he takes care of the boys, and his wife of the girls; the wife must, however, remain a widow for a year, while the husband can remarry at once. He can take back his wife; she, however, can not marry a second time until the end of a year." [16]

Other writers are more detailed. Hawkins says:

"This (divorce) is at the choice of either of the parties; the man may marry again as soon as he will; but she is bound till all the *Boosketau* of that year are over excepting in a case of marriage and parting in a season when there is no planting [or more properly speaking, during the season the man resides at the house of the woman and has possession of her during the continuation of the marriage ceremony]; in that case the woman is equally free to connect herself again as soon as she pleases. There is an inconsistency in the exception above since, in fact, in such season there can be no marriage; but the chiefs, in their report on this article, mentioned it as an exception, and this practice in these cases of half marriage prevails universally. As soon as a man goes to the house of his bride, he is in complete possession of her till the ceremony ends, and during this period the exception will apply. Marriage gives no right to the husband over the property of his wife, and when they part she keeps the children, the property belonging to them and her own." [17]

Swan says:

"If a separation is desired by either the man or his wife, it is commonly consented to, and takes place without ceremony; but he or she is not at liberty to take any other person as wife or husband,

[16] Bossu, Nouv. Voy., vol. II, p. 28.

[17] Hawkins, Ga. Hist. Soc. Colls., vol. III, pp. 73-74. The bracketed clause is wanting in the Library of Congress copy of the Ms. It repeats the second sentence from the end.

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586 until after the celebration of the ensuing busk, at which, if they attend and partake of the physic and bathing, they are at once exonerated from the marriage-contract, and at liberty to choose again: but to be only intimate with any other person, between the time of separation and the ceremony of the next busk, is deemed as adultery, and would incur the penalty of whipping and cropping, as the custom of the country requires. This punishment, however, depends, sometimes, on the superior strength of the clan to which the injured party belongs." [18]

Bartram evidently has in mind only cases of adultery when he says that a divorced woman was looked upon as a harlot.[19]

Says Stiggins:

"Should she [the wife] be indolent and given to quarrel with him [her husband] and inattentive to his wants and disobedient to his commands, in any of the aforesaid cases he can make complaint to her family of such and quit her and marry another without a murmur from her clan or family. But in case she should prove a lewd woman and inconstant to him, she can be punished by his family or clans-people by beating her with large sticks until she cannot move and the cutting off both her ears close to her head, though the punishment may be inflicted contrary to the will or consent of her husband, which frequently happens. Then after her punishment for her inconstancy it is optional with her husband to repudiate or retain her still as his wife." [20]

The option of the husband is, as has been seen, denied by several other authorities.[21] As Stiggins's sources of information were of the best, it is probable either that the custom varied in different parts of the Creek area or that in his time the usage in this particular had begun to alter.

539 From an old Creek Indian I have the following account of the customs observed with respect to widows and widowers:

"A woman remained with her husband's parents for four years after the beginning of her widowhood. At the expiration of that period her husband's sisters would dress her up, take her to a dance, and tell her to enjoy herself. Then the people of her husband's clan would hold a council and select a good man for her. If she did not like him she was free to marry whomsoever she chose. Their duty was completed. It was the same when a man was left a widower, only then they talked to the woman fixed upon until she consented. After a man's wife died they would build a scaffold right over her grave and let the widower lie there four days. If he went with another woman before four years were completed they cut the end of his nose off and the end of the woman's nose and turned them

[18] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 272.
[19] Bartram, Travels, p. 111.
[20] Stiggins, Ms. Hist. Narr., p. 32.
[21] See pp. 359-361.